

Docket No.: 0230-0234PUS1

(PATENT)

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Yuji ISHIDA

Application No.: 10/567,965

Confirmation No.: 2062

Filed: February 10, 2006

Art Unit: N/A

For: A METHOD FOR IMPROVING PLANT

TRANSFORMATION EFFICIENCY BY

ADDING COPPER ION

Examiner: Not Yet Assigned

# INFORMATION DISCLOSURE STATEMENT (SUBMISSION AFTER FILING OF AN APPLICATION BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE OR CONCURRENTLY WITH A RULE 1.114 RCE APPLICATION)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

## I. <u>LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION</u>

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08(s), attached hereto.

#### II. <u>COPIES</u>

a. Copies of cited U.S. patents and patent application publications are not included.

Copies of foreign patent documents and non-patent literature are included.

GMM/af

П b. Some or all of the documents listed on the PTO-SB08 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned. REFERENCES PREVIOUSLY CITED OR SUBMITTED - Pursuant to 37 C.F.R. c. §1.98(d), consideration of information listed on the PTO-SB08 form(s) is requested since any patents, publications, or other information which are listed on the PTO-SB08 form(s) but for which copies are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120: U.S. Appl. No(s) and U.S. Filing Date filed III. **CONCISE EXPLANATION OF THE RELEVANCE** (check at least one box) X DOCUMENTS IN THE ENGLISH LANGUAGE - The patents, publications, or other information listed on the attached PTO SB08 are in the English language and therefore, do not require a statement of relevancy. DOCUMENTS NOT IN THE ENGLISH LANGUAGE - A concise explanation of the b. relevance of all patents, publications, or other information listed that is not in the English language is as follows: ENGLISH LANGUAGE SEARCH REPORT - An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3). 冈 d. OTHER - The following additional information is provided for the Examiner's consideration. A Foreign Office Action indicating relevancy is attached. In addition, Sahrawat et al., J. Plant Physiol., EP 1306441A, Ishida et al., Plant Biotechnology and Trick et al.,

2

Docket No.: 0230-0234PUS1

GMM/af

Application No.: 10/567,965

Application No.: 10/567,965 Docket No.: 0230-0234PUS1

Transgenic Research were previously cited in an Information Disclosure Statement dated November 13, 2006.

īV.	<u>FEES</u>	(check one box)
of a ne	a. w pater	This Information Disclosure Statement is being filed concurrently with the filing at application; therefore, no fee is required.
a conti	b. inuation	This Information Disclosure Statement is being filed concurrent with the filing of -in-part, continuation, or divisional patent application; therefore, no fee is required.
		This Information Disclosure Statement is being filed within three months of the a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. s not to be used with RCE's.)
		This Information Disclosure Statement is being filed within three months of the of the national stage as set forth in § 1.491 in an international application (37 C.F.R. No fee or statement is required.
	e. Request ent is re	This Information Disclosure Statement is being filed concurrently with the filing for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or quired.
hat a 1	first Off (c) and	This Information Disclosure Statement is being filed before the mailing date of a the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event fice Action on the merits has been issued, please consider this IDS under 37 C.F.R. see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been our deposit account for the fee as required by 37 C.F.R. § 1.17(p).
] Final (	g. Office A	This Information Disclosure Statement is being filed before the mailing date of a action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing

date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

Application No.: 10/567,965

Docket No.: 0230-0234PUS1

Application No.: 10/567,965 Docket No.: 0230-0234PUS1

inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

# VI. PAYMENT OF FEES (check one box)

	The required fee is listed on the attached Fee Transmittal.
$\boxtimes$	No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

5 GMM/af

Application No.: 10/567,965 Docket No.: 0230-0234PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: December 18, 2006

Respectfully submitted,

Gerald M. Murphy, Jr.

Registration No.: 28,977

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachment(s):

$\boxtimes$	PTO-SB08
$\boxtimes$	Documents
$\boxtimes$	Supplementary European Search Report
	Fee
	Other:



PTO/SB/08A/B (09-06) Approved for use through 03/31/2007. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete If Known		
				Application Number	10/567,965	
11	NFORMATION	l DI	SCLOSURE	Filing Date	February 10, 2006	
s	TATEMENT E	3Y /	APPLICANT	First Named Inventor	Yuji ISHIDA	
				Art Unit	N/A	
	(Use as many sh	eets as	s necessary)	Examiner Name	Not Yet Assigned	
Sheet	1	of	1	Attorney Docket Number	0230-0234PUS1	

U.S. PATENT DOCUMENTS						
				Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)					
	ВА	WO-03/018822-A1	03-06-2003			1	
	BB	WO-99/16890-A2	08-04-1999			1	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS						
		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	<b>T</b> <sup>2</sup>			
	CA	Li, et al., Genetic Trans. of Cassava, Nature Biotechnology, vol. 14, no. 6, pp. 736-740, XP 002036203, 1996				
	СВ	Purnhauser et al., "Effect of Copper on Shoot Regeneration in Wheat, Triticale, Rape and Tobacco Tissue Culture", Plant Cell, Tissue and Organ Culture, vol. 35, no. 2, pp. 131-139, XP008037427, 1993				

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner Signature		Date Considered	
Birch, Stewart,	Kolasch & Birch, LLP		GMM/af

Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.